

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TOM THANH NGYUEN	:	CIVIL ACTION
	:	
v.	:	
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA, et al.	:	NO. 15-5082

ORDER

AND NOW, this 12th day of May, 2016, upon consideration of plaintiff Tom Thanh Ngyuen's complaint (docket entry #1), defendants' motion to dismiss (docket entry #6), and Ngyuen's response in opposition thereto, and for the reasons set forth in our Memorandum issued this day on this case, it is hereby ORDERED that:

1. Defendants' motion to dismiss (docket entry #6) is GRANTED IN PART;
2. Count II of the complaint is DISMISSED WITH PREJUDICE as to defendant Commonwealth of Pennsylvania and DISMISSED WITHOUT PREJUDICE as to defendant Frank Pawlowski;
3. Counts IV and V of the complaint are DISMISSED WITH PREJUDICE;
and
4. Plaintiff may FILE an amended complaint, if he wishes, by noon on May 31, 2016.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.